

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI.

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 737 of 2007(A)

OP.2/2004 of WAKF TRIBUNAL, KOZHIKODE
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REVN. PETITIONER: 2ND RESPONDENT

V.E.MOYI HAJI, AGED 67 YEARS,
S/O.VEERANKUTTY HAJI, VAYALIL,
KUMARANELLOOR AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.R.RAMADAS

RESPONDENTS: 1ST RESPONDENT & PETITIONERS

1. THE KERALA WAKF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
POST OFFICE LINK ROAD, PARAMARA ROAD,
BROADWAY, ERNAKULAM.
2. NELLIKKA PARAMBA JUMA-ATH PALLI
COMMITTEE, REPRESENTED BY ITS PRESIDENT,
P.O.KOYAMMU, S/O.KUNHAMMED, KARASSERY P.O.,
MUKKAM (VIA), KAKKAD AMSOM AND DESOM OF
KOZHIKODE TALUK.
3. NELLIKKA PARAMBA JUMA-ATH PALLI
COMMITTEE, REPRESENTED BY ITS SECRETARY,
A.K.MUSTHAFA, S/O.KUNHAMMED, KARASSERY P.O.,
MUKKAM (VIA), KAKKAD AMSOM AND DESOM OF
KOZHIKODE TALUK.

BY ADV. SRI.M.S.NARAYANAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.B. KOSHY & V.GIRI JJ.

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C.R.P.No.737 of 2007-A

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Dated this the 20th day of August, 2007

ORDER

Koshy, J.

The petitioner alleges that he is the Muthawali of Masjid Noor Juma Masjid, Nellikkaparambu. There was a dispute between two factions of the members of Masjid Noor with regard to the removal of Khatheeb. As a result of the dispute the Mosque was closed and thereafter the Mahal members have taken a unanimous decision and entrusted the Mosque for temporary management to the petitioner. In the meanwhile certain problems arose in the Mosque. Both sides filed applications for registration of wakf. The Wakf Board decided in favour of petitioner's claim. That was challenged by respondents 2 and 3 and the Wakf Tribunal remanded the matter. It is true that the applications for registration were filed in time. Registration of wakf is compulsory. The question to be decided is whose application for registration is to be accepted. Who is the Muthawali competent to file application for registration that is the matter to be decided by the Tribunal. A reading of the order of the Appellate Tribunal would show that the Wakf Tribunal directed the Wakf Board to decide the matter after hearing the contentions and objections of all the parties. Since this is an open remand, we are of the opinion that no

interference is required in the order. We are not expressing any opinion on the merits of the matter. The Wakf Board shall decide the matter untrammelled by the observations made in the present impugned order.

The Civil Revision Petition is disposed of as above.

J.B. KOSHY, JUDGE.

V.GIRI, JUDGE.

MS

